TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT	Docket Number (Optional) 26403.0004

In re Application of: Ross C. Terrell

Application No.: 10/644,500

Filed: August 20, 2003

For: Method For The Preparation Of Sevoflurane

The owner*, __Minrad Inc.__, of __100__ percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. __5,969,193__. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Signature _____ Date 24,926

Martin G. Linihan   Reg. No. 24,926
Typed or printed name

716 848 1367
Telephone Number

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.
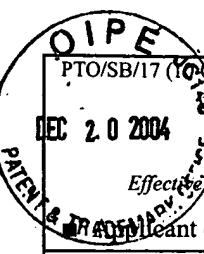
(Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent (PTO/SB/26) [9-4.2]—page 1 of 1)

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PTO/SB/17 (10-03)   Approved for use through 07/31/2006, OMB 0651-0032

DEC 2 0 2004

OIPE

FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent Fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

Application Number	10/644,500
Filing Date	August 20, 2003
First Named Inventor	Ross C. Terrell
Examiner Name	M. Shippen
Group/Art Unit	1621

TOTAL AMOUNT OF PAYMENT	($)65.00

Attorney Docket Number	26403.0024

METHOD OF PAYMENT (check all that apply)

☐ Check   ☐ Credit Card   ☐ Money Order   ☐ Other   ☐ None

■ Deposit Account: Deposit Account Number: 08-2442
Deposit Account Name: Hodgson Russ LLP

The Director is hereby authorized to (check all that apply)

■ Charge fee(s) indicated below
■ Charge any fee deficiencies or credit any overpayments
☐ Charge any additional fees during pendency of this application.
☐ Charge fees indicated below, **except for the filing fee**
   to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity			
Fee Code	Fee ($)	Fee Code	Fee ($)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	$
1002	350	2002	175	Design filing fee	$
1003	550	2003	275	Plant filing fee	$
1004	790	2004	395	Reissue filing fee	$
1005	160	2005	80	Provisional filing fee	$
				SUBTOTAL (1)	$0

2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE

	Extra Claims	Fee from below		Fee Paid
Total Claims	/ / -20** = / /	x / / =		$
Independent Claims	/ / - 3** = / /	x / / =		$
Multiple dependent		/ / x / / =		$

Large Entity		Small Entity			
Fee Code	Fee ($)	Fee Code	Fee ($)	Fee Description	
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim if not paid	
1204	88	2204	44	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
				SUBTOTAL (2)	$0

SUBMITTED BY:
Martin G. Linihan   Reg. No. 24,926

SIGNATURE   *Martin G Linihan*

DATE: December 17, 2004   Telephone: (716) 848-1367

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity			Fee Paid
Fee Code	Fee ($)	Fee Code	Fee ($)	Fee Description	
1051	130	2051	65	Surcharge - late filing fee or oath	$
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	$
1053	130	1053	130	Non-English specification	$
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	$
1804	920*	1804	920*	Requesting Publication of SIR prior to Examiner Action	$
1805	1,840*	1805	1,840*	Requesting Publication of SIR after Examiner Action	$
1251	110	2251	55	Extension for reply within first month	$
1252	430	2252	215	Extension for reply within second month	$
1253	980	2253	490	Extension for reply within third month	$
1254	1,530	2254	765	Extension for reply within fourth month	$
1255	2,080	2255	1,040	Extension for reply within fifth month	$
1401	300	2401	150	Notice of Appeal	$
1402	340	2402	170	Filing a brief in support of an appeal	$
1403	300	2403	150	Request for oral hearing	$
1451	1,510	1451	1,510	Petition to institute a public use proceeding	$
1452	110	2452	55	Petition to revive - unavoidable	$
1453	1,370	2453	685	Petition to revive - unintentional	$
1501	1,370	2501	685	10 advance copies / Utility issue fee (or reissue)	$ / $
1502	490	2502	245	Design issue fee	$
1503	660	2503	330	Plant issue fee	$
1460	130	1460	130	Petitions to the Commissioner	$
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	$
1806	180	1806	180	Submission of Information Disclosure Statement	$
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	$
1809	790	2809	395	Filing a submission after final rejection(37 CFR 1.129(a))	$
1810	790	2810	395	For each add'l invention to be examined(37 CFR1.129(b))	$
1801	790	2801	395	Request For Continued Examination (RCE)	$
1802	900	1802	900	Request for Expedited Examination of a design application	$
		Other fee (specify)	Terminal Disclaimer		$65
*Reduced by basic filing fee paid				**SUBTOTAL (3)**	$65

I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on   December 17, 2004

Martin G. Linihan   *Martin G Linihan*   December 17, 2004
Name   Signature   Date of Signature   1115545